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Honorable Frank V. Potts
Chairman, Alcoholic Beverage
Control Board
Potts, Young, Blasingame & Suttle
P. O. Box 1760
Florence, Alabama 35631

State Officials - Offices and
Officers - Conflict of Interest -
Attorneys

Section 15-22-24 does not prohibit members of a state official's law firm from appearing before the State Pardons and Parole Board for compensation. A state official may not appear before the board for compensation unless he represented the applicant at trial or a hearing in the regular judicial process.

Dear Mr. Potts:

This is in reply to your request for an opinion of the Attorney General. In your request you stated that on January 18, 1983, you were appointed as Chairman of the Alcoholic Beverage Control Board. You then quoted §15-22-24(h), Code of Alabama 1975, which states as follows:

No state official shall appear or otherwise represent an applicant before (the State Pardon and Parole) board for any consideration or thing of value unless said official was counsel of record for the applicant during a trial

or hearing in the regular judicial process that led to said applicant's present status; however, no state official shall be prohibited from appearing without consideration before the board or board panel on behalf of an applicant.

In light of those facts you asked the following questions:

1. Does this Section [§15-22-24(h)] prevent other members of my law firm from appearing before the State Board of Pardons and Parole for a fee?
2. Does such section require me to withdraw from cases involving my appearance before the Parole Board in which I have been hired?

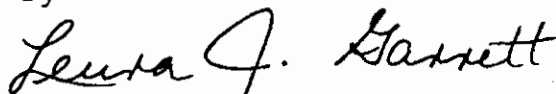
As to your first question, it is the opinion of the Attorney General that §15-22-24(h) does not prohibit other members of your law firm from appearing before the State Board of Pardons and Parole for compensation. The prohibition of §15-22-24(h) applies only to the state official by the fact of his holding public office; it would not further the legislative intent of that section to extend the prohibition to members of a state official's law firm.

As to your second question, it is the opinion of the Attorney General that a state official, including the Chairman of the Alcoholic Beverage Control Board, would be prohibited from appearing before the State Pardons and Parole Board for compensation unless he had represented the applicant "during a trial or hearing in the regular judicial process that led to said applicant's present status." §15-22-24. Thus, merely being hired by an applicant and performing work for that applicant prior to a state official's appointment would not be sufficient to exempt the state official from the prohibition of §15-22-24. Of course, §15-22-24 does not prohibit a state official from appearing on behalf of an applicant without compensation.

We hope this response sufficiently answers your questions. If we may be of further assistance, please do not hesitate to contact us.

Very truly yours,

CHARLES A. GRADDICK
Attorney General
By-



LEURA J. GARRETT
Assistant Attorney General